

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JERALD T. BURGESS,

Defendant.

8:06CR185

ORDER

This matter is before the court on the motion for an extension of time by defendant Jerald T. Burgess (Burgess) (Filing No. 12). Burgess seeks an additional thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 9). Burgess has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 12). Burgess' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Burgess' motion for an extension of time (Filing No. 12) is granted. Defendant Burgess is given until **on or before September 8, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 9, 2006 and September 8, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 9:00 a.m. on August 18, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 8th day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge